

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, September 16, 2009 9:30 AM – 10:00 AM
Council Chambers, 140 West Pine Street, Missoula, Montana

Members Present: Ed Childers, Dick Haines, Lynn Hellegaard, John Hendrickson, Bob Jaffe, Renee Mitchell, Dave Strohmaier, Pam Walzer, Jason Wiener, Jon Wilkins

Members Not Present:

Other Present: Mark Muir, Rod Austin, Phil Smith, Jim Nugent, Ryan Newhouse

I. ADMINISTRATIVE BUSINESS

1. Approve minutes from [September 09, 2009](#). Minutes approved unanimously.

II. PUBLIC & STAFF COMMENT

Mark Muir reminded everyone next Tuesday, September 22, the Drug Diversion Conference, will be from 8:00 AM to 5:00 PM.

III. CONSENT AGENDA ITEMS

IV. REGULAR AGENDA ITEM

1. Discuss measures to prohibit bicycle riding on sidewalks in downtown Missoula ([memo](#)).— Regular Agenda (Dave Strohmaier) (Referred to committee: 07/27/09) **REMOVE FROM AGENDA**

Rod Austin stated that a few months ago, several people from various groups met to discuss possible solutions for the bicyclists riding on the sidewalks. There was discussion of possible enforcement of not riding bicycles on the sidewalks. It was brought up that State Law permits bicycles being ridden sidewalks but there has to be signage that designates where you can or cannot ride your bike.

Phil Smith stated this topic has been brought up several times over the past 13 years. It has never reached a resolution. Some of the issues that have been discussed are:

1. What is the problem that is trying to be solved? Is it the bicycle being on the sidewalk? Is it simply because it is being ridden on the sidewalk? Or is it the manner in which it is being ridden on the sidewalk?
2. City Code prohibits riding a bike on a sidewalk, even though State Law permits it, there are bike racks on the sidewalks, which gives the impression that riding the bikes on the sidewalks is O.K.
3. Is the topic being discussed the problematic behavior of all bike riders or just a few bike riders.
4. We don't have appropriate on-street facilities and if we did, people possibly wouldn't ride on the sidewalks.
5. Are we talking about only downtown or the whole city?
6. Law enforcement versus education?
7. If we would choose to prohibit bike riding on sidewalks, how do we make it happen? What resources will be used to enforce it?

Jon Wilkins asked if there are any statistics on people getting hit by bicycles. Also, how this would be funded?

Bob Jaffe stated it is a particular type of behavior . I don't really think there is anything wrong with people riding their bike on the sidewalk if they do it in a certain manner, move at the same pace as the pedestrians, have one foot down so you can stop any moment. The State Law already gives us what we need, "a person operating a bicycle upon and along a sidewalk or across a roadway shall yield the right of way to any pedestrian and shall give audible

signals before overtaking and passing any pedestrian". What I see is offensive is someone going too fast on the sidewalk. It's offensive and I think we should enforce it.

Dave Strohmaier stated that Bozeman has signage restricting bicycles on sidewalks and asked if follow up could be done with them.

Ed Childers asked what the University does to educate their pedestrians and bike riders. He also suggested a bell on the bike to notify pedestrians that the bike is approaching.

Rod Austin stated they have tried to get their Ambassadors to the University during Orientation for the purpose of educating the riders.

V. HELD AND ON-GOING AGENDA ITEMS

1. Police Department Update – Ongoing in Committee (Mark Muir)
2. Fire Department Update – Ongoing in Committee (Mike Painter)
3. Health Department Update – Ongoing in Committee (Ellen Leahy)
4. An [ordinance](#) amending Chapter 10.42 of the Missoula Municipal Code entitled "Bicycles" that would require minors to wear headgear while bicycling on streets, roadways, sidewalks, alleys and trails; and holding responsible the parent or guardian of a minor found to be in violation of this ordinance. ([Alternative Ordinance](#)) ([PS&H](#)) (Returned from Council floor: 2/26/07)
5. Update on the Police facility project. ([memo](#)) – Regular Agenda (Mark Muir)(Referred to committee: 05/12/08)
6. An [ordinance](#) amending Missoula Municipal Code Chapter 6.09 entitled "Missoula Cat Ordinance" section 6.09.010 through 6.09.090 to amend definitions, to limit the number of cats over the age of four months that a person, family, or household can harbor, keep, or maintain to five and to enact other general amendments. ([PS&H](#)) (Returned from Council floor: 01/12/09)
7. An [ordinance](#) amending Missoula Municipal Code Title 6 entitled "Animals" generally amending Chapter 6.04 entitled "Animals Running at Large" and Chapter 6.08 entitled "Dogs and Pet Shops," increasing the fee when an animal is impounded and establishing a fee for a boarding kennel license. ([PS&H](#)) (Returned from Council floor: 01/12/09)
8. Discussion on the MRL herbicide program within the city limits ([memo](#)).—Regular Agenda (Bob Jaffe)
9. Authorize acceptance of the COPS (Community Oriented Policing Services) Hiring Recovery Program (CHRP) award ([memo](#)).—Regular Agenda (Mark Muir) (Referred to committee: 08/10/09)
10. An [emergency ordinance](#) and an [ordinance](#) adopting Missoula Municipal Code Title 9, Chapter 36 entitled Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct, Sections 9.36.010, 9.36.020, 9.36.030, 9.36.040, 9.36.050, 9.36.060, 9.36.070, 9.36.080 and 9.36.090. ([memo](#)) ([Updated Memo](#)) ([PS&H](#)) (Referred to committee: 07/27/2009)
11. An [emergency ordinance](#) and an [ordinance](#) amending Missoula Municipal Code Title 9, entitled Public Peace, Morals and Welfare, Chapter 34 entitled Pedestrian Interference, Sections 9.34.020, 9.34.030, 9.34.040 and 9.34.050. ([memo](#)) ([Updated Memo](#)) ([Updated Ordinance 09/02/09](#)) ([PS&H](#)) (Referred to committee: 07/27/2009)
12. Remove extraterritorial jurisdiction of the garbage ordinance ([memo](#)).—Regular Agenda (Pam Walzer)
13. Consider an ordinance of the Missoula City Council amending Missoula Municipal Code Title 10 entitled Vehicles and Traffic, Chapter 42 entitled Bicycles for the purpose of changing the requirements for complying with traffic control devices and removing conflicting registration requirements by amending Sections 10.42.030 and 10.42.040. ([memo](#)).—Regular Agenda (Pam Walzer)

V. ADJOURNMENT

The meeting adjourned at 10:00 AM. Submitted by Leslie Willis.